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Serial No. 09/527,584

### REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

The Examiner has rejected claims 1-30 as being anticipated by U.S. Patent 6,363,319 (Hsu). The Examiner has argued that Hsu teaches a system and method of efficient and dynamic allocation of shared network resources between connection-oriented and connectionless traffic in a communication network.

Applicant strongly disagrees. In order for a rejection to be proper under 35 U.S.C. 102(e), it is necessary that the reference cited teach explicitly the invention claimed. In the present application, the claims clearly define a method and system for routing connectionless traffic based on a traffic metric that is, in turn, based on the determined resource requirement of the connection-oriented traffic. The method of claim 1, for example, includes the steps of determining a resource requirement of the connection-oriented traffic; dynamically adjusting a respective traffic metric to be used for routing connectionless traffic based on the determined resource requirement of the connection-oriented traffic; and routing the connectionless traffic based on the adjusted traffic metric.

With great respect, nothing in Hsu teaches or describes the routing of connectionless traffic based on a traffic metric that is, in turn, based on the determined resource requirement of the connection-oriented traffic. The Hsu patent states at column 2, line 66 and thereafter: "The present invention is a constraint-based route selection technique that supports establishing Multi-protocol Label Switching (MPLS) label switched paths through explicit routing". As is known by those of ordinary skill in the art, MPLS is a connection-oriented traffic protocol. Therefore, the Hsu patent relates to routing of connection-oriented traffic. Furthermore, as stated at column 3, line 10 and thereafter, "The present invention introduces a number of modifications and improvements to the standard Dijkstra calculation to accommodate these two constraints" (the two constraints being connectionless traffic metrics, namely, a bandwidth requirement and a priority). The Hsu patent therefore provides a novel method of allocating connection-oriented traffic using connectionless traffic metrics, whereas the present invention does the inverse, i.e. routes connectionless traffic based on connection-oriented traffic metrics.

With great respect, the Response to Arguments set forth on page 3 of the Office Action misses the point. The point of the present invention is to route connectionless traffic using a traffic metric based on a determined resource requirement of the connection-oriented traffic. Nothing in Hsu addresses the routing of connectionless traffic using a traffic metric

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based on a determined resource requirement of the connection-oriented traffic. In fact, nothing in Hsu even mentions the routing of "connectionless" traffic except for column 7, line 45 where the Hsu patent states: "Unlike connectionless routing ..." which is a clear indication that the Hsu patent is not concerned with the routing of connectionless traffic at all.

Furthermore, it is respectfully submitted that the Office Action fails to properly provide a 102(e) rejection in that nowhere in the Office Action does the Examiner set forth where in the reference the prior art states that routing of connectionless traffic is based on a traffic metric determined by the resource requirement of the connection-oriented traffic. The Response to Arguments states "The cited prior art teaches a system and method for selecting a route for a flow from a number of network paths connecting a source to a destination, that involves determining cumulative costs for a number of candidate paths from the computer network paths using a cost bias which is dynamically calculated based on at least one of a flow attribute and a path attribute and selecting an optimal path, corresponding to the selected route, having a minimum of the cumulative costs. The cited prior art provides simple and efficient selection of routes in a system of computer networks. Increases traffic efficiency by taking into account traffic bandwidth requirements and the traffic requirements in route selection by selecting an optimal path corresponding to the selected route and having a minimum of the cumulative costs, and a route selection system (column 6, line 11 to column 8, line 35)." The Examiner, however, makes an unsubstantiated leap from that characterization of the prior art to the conclusion that "As a result, the cited prior art does implement and teaches a system and method of efficient, and dynamic allocation of shared network resources between connection-oriented and connectionless traffic in a communication network". This conclusion is, with great respect, unsubstantiated because Hsu simply does not describe routing connectionless traffic using a traffic metric based on a determined resource requirement of the connection-oriented traffic.

Therefore, the rejection under 102(e) is believed to be entirely improper. Applicant respectfully requests that the Examiner reconsider and withdraw this rejection.

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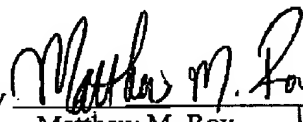
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Applicant submits that this application is now in a condition for immediate allowance.  
Applicant promptly requests the prompt issuance of a Notice of Allowance.

Respectfully submitted,  
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